

## **REMARKS**

Claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, and 29-38 were rejected in the above-identified final Office Action. In response, Applicants have amended claims 1, 2, 3, 9, 10, 13-15, 18, 20, 21, 30, and 32-35, cancelled claim 38, and added claims 41-43. No new matter has been added. Accordingly, claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-37, and 41-43 remain pending.

### **Amendments**

Support for the amendments and new claims may be found at least on pages 10-15 of the originally-filed Specification.

### **Claim Rejections - 35 USC §102**

On page 5 item 2 of the above-identified final Office Action, the Examiner rejects claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, and 29-38 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,240,555 issued to *Shoff et al.* (hereinafter "Shoff").

Applicants respectfully submit that the rejection of claim 38 is obviated by its cancellation.

### **Claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, and 29-37**

In "Response to Arguments" on pages 2-5, the Examiner elaborated further on his reasons for rejecting claim 1. Specifically, the Examiner stated that the channel and time slot disclosed by Shoff as being present in the EPG (programming guide) read on the tag value recited by claim 1. Applicants respectfully disagree.

Claim 1 recites that the tag value is included in the primary content data. The primary content data, according to the Examiner, is the television program associated with a time slot on a channel and that the subsidiary data is a web page to be displayed with the program. The television program of Shoff, however, does not include the "channel and time slot", which the Examiner equates to the tag value. Rather, the

channel and time slot are included in the programming guide, not the television program. Because the channel and time slot are not included in the television program, they cannot possibly teach, in as complete of detail as is claimed “the primary content data including at least one tag value”, as is claimed by claim 1. Further, alternate interpretations of “primary content data”, such as equating the programming guide to the primary content data, are even more problematic, as the programming guide is never displayed with any subsidiary data. Claim 1, in contrast, requires “the identified subsidiary data being displayed concurrently with the primary content data.” The only two contents/data concurrently displayed in Shoff are the television program and web page. And neither *includes* anything that could possibly read on a tag value.

Further, even if it is assumed for the sake of argument that Shoff teaches a tag value (a point with which Applicants disagree), Shoff still fails to disclose that the channel and timeslot “identify[] subsidiary data as being associated with and to be displayed during a time segment of the primary content data, the primary content data to be displayed over a plurality of time segments”, as is claimed by claim 1. In Shoff, supplementary data, such as a web page pointed to by a URL 58 (see Figure 3), is associated with an entire program (primary content data) (see Figure 3), not with a specific time segment of the program, the program having multiple time segments. Thus, Shoff does not teach identifying supplementary content as being associated with one of multiple time segments of a program.

Thus, Shoff fails to disclose, expressly or inherently, in as complete of detail as is claimed, both the tag value and “identifying subsidiary data as being associated with and to be displayed during a time segment of the primary content data, the primary content data to be displayed over a plurality of time segments”, as is claimed by claim 1. §102 rejections require that the reference disclose each and every limitation in as complete of detail as is claimed. Accordingly, amended claim 1 is patentable over Shoff under §102.

Amended claims 13 and 32 recite limitations similar to those of amended claim 1, directed to an article and a system of claim 1, respectively. Thus, claims 13 and 32 are patentable over Shoff for at least the same reasons as claim 1.

Claims 2, 3, 6, 7, 9, 10, 14, 15, 18, 20-22, 26, 29-31, and 33-37 depend on amended claims 1, 13, and 32, incorporating their limitations. Accordingly, claims 2, 3, 6, 7, 9, 10, 14, 15, 18, 20-22, 26, 29-31, and 33-37 are patentable over Shoff for at least the same reasons.

#### Claims 41-43

As mentioned, Shoff teaches a method of locating supplementary content based on an identifier in a program guide that is associated with a program at a specific channel and time. The supplementary content is then retrieved and displayed with the program. Nothing in Shoff, however, teaches “determining, by a set-top system, a time elapsed from a scheduled start of a program based on a programming guide including the scheduled start, the program to be displayed over a plurality of time segments” and “retrieving, by the set-top system, subsidiary data associated with a time segment of the program, the time segment being selected based on the determined time elapsed”, as is claimed in new claim 41. Shoff does not teach determining a time elapsed from the beginning of a program, or retrieving supplementary data associated with a time segment that is selected based on the time elapsed. In Shoff, supplementary content is disclosed as being associated with an entire program, not specific time segment of the program. Accordingly, claim 41 and claims 42 and 43, which depend from claim 41, are patentable over Shoff.

#### Conclusion

Applicant submits that claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-37, and 41-43 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

11

Attorney Docket No. 117891-156739  
Application No.: 09/910,656

Dated: June 6, 2008

/Robert C. Peck/  
Robert C. Peck  
Reg. No. 56,826

Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981